

REMARKS

After entry of this Amendment, the pending claims are claims 1, 3, 5, 7-15, 17-20, 25-27 and 33 of which claims 1 and 33 are in independent form. New claim 33 has been added. Claims 21-24 and 28-32 have been canceled. Claims 2, 4, 6 and 16 have been previously withdrawn. Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1, 7-11, 17-20 and 25 were rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 5,931,840 to Goble et al. (“the Goble ‘840 patent”). Claim 1 now recites “a graft interface member having a graft holding portion and an implant coupling portion having a distal end and a proximal end, the distal end of the coupling portion is configured and adapted to be received in the recess to permit the implant body to rotate independently of the graft interface member, the proximal end of the coupling portion is configured and adapted to be operably associated with the graft holding portion.”

Applicant respectfully submits that the Goble ‘840 patent does not teach or suggest all of the limitations of claim 1. Specifically, there is no teaching or suggestion in the Goble ‘840 patent of an implant body having first and second ends, the first end having an opening configured and adapted to receive an insertion tool and the second end having a recess, and an implant coupling portion having a distal end and a proximal end wherein the distal end of the coupling portion is configured and adapted to be received in the recess to permit the implant body to rotate independently of the graft interface member.

As all the features recited in independent claim 1, as amended, are not taught or suggested by the Goble ‘840 patent, Applicant submits that this claim is allowable over the Goble ‘840 patent. Dependent claims 7-11, 17-20 and 25 depend from independent claim 1 and are allowable for at least the same reasons as discussed above in connection with claim 1.

Rejection Under 35 U.S.C. §103(a)

Claims 3, 5, 12-15, 26 and 27 were rejected under 35 U.S.C. §103(a) over the Goble '840 patent in view of U.S. Patent No. 6,517,542 to Papay et al. ("the Papay '542 patent"). Dependent claims 3, 5, 12-15, 26 and 27 depend from independent claim 1 and are allowable for at least the same reasons as discussed above in connection with claim 1. Therefore, the rejection under 35 U.S.C. §103(a) over the Goble '840 patent in view of the Papay '542 patent is moot.

New Claim 33

New claim 33 has been added. No new matter has been added, as the new claim is supported by the specification as originally filed.

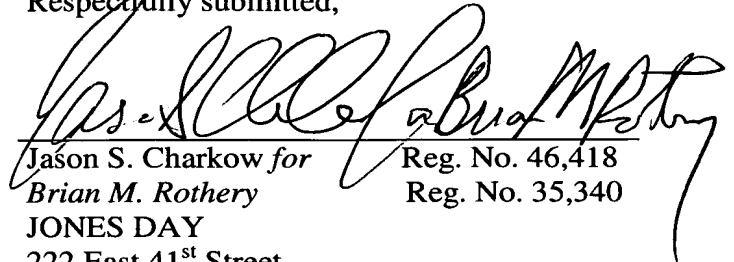
Claim 33 is patentable over the Goble '840 patent and the Papay '542 patent. Claim 33 recites "an implant body having first and second ends, the first end having an opening configured and adapted to receive an insertion tool and the second end having a recess, wherein the opening and the recess are not in communication with each other." The Goble '840 patent and the Papay '542 patent do not teach or suggest all of the limitations of claim 33. Specifically, there is no teaching or suggestion in the Goble '840 patent or the Papay '542 patent of an implant having an opening and a recess which are not in communication with each other.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required,
please charge all such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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